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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,174	11/30/2000	Michael A. Montgomery	40.0023 C1	5606

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EXAMINER

PATEL, NIKETA I

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,174

Applicant(s)

MONTGOMERY ET AL.

Examiner

Niketa I. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-37, 41, 42 and 44-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-36 is/are allowed.
- 6) ☒ Claim(s) 37, 41, 42 and 44-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/11/2005 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 37 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Postman et al. U.S. Pat. App. Pub. No.: 2004/0041029 A1 (hereinafter referred to as "*Postman*".)

4. **Referring to claim 37**, *Postman* teaches a smart card (see figure 1, element 10, 'PC card') comprising: means configured to simulate the initiation of communications to a smart card terminal (see figure 1, element 26, 'PDA or host') having: means operable to receive a polling packet from the terminal (see paragraphs 83,175-176); and means, in response to receiving a polling packet, operable to transmit an indication that the smart card desires to transmit data to the terminal (see paragraphs 83,175-176); means operable to use the means configured to

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simulate the initiation of communications to request resources selected for the set including terminal resources, host resources, and network resource (see paragraphs 83, 120-121 and 175-176.)

5. **Referring to claim 42**, *Postman* teaches a computer system comprising: a terminal (see figure 1, element 26, 'PDA or host') for communicating with smart cards (see figure 1, element 10, 'PC card'); the terminal having a means for simulating allowing the smart card to initiate communication with the smart card terminal by transmitting a polling packet to the smart card requesting an indication of whether the smart card desires to transmit data to the terminal (see paragraphs 83,175-176.)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 41, 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Postman et al.* U.S. Pat. App. Pub. No.: 2004/0041029 A1 (hereinafter referred to as "*Postman*") as applied to claim 37 above and further in view of *Gopal et al.* U.S. Patent Number: 5,889,963 (hereinafter referred to as "*Gopal*").

8. **Referring to claims 41, 44-45**, *Postman* teaches a smart card comprising: means configured to simulate the initiation of communications to a smart card terminal (see paragraphs

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83,175-176) however does not teach wherein the indication that the smart card desires to transmit data contains an indication of the length of data the smart card desires to send to the terminal and an indication to commence transmitting data having the length indicated by the smart card. *Gopal* teaches to transmit data length indication in response to a polling packet [see *Gopal* column 3 – lines 23-55], in order to insure proper bandwidth and transmission of the data.

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the smart card system of *Postman* to be able to transmit data length indication in response to a polling packet in order to insure proper bandwidth and transmission of the data. It is for this reason that one of ordinary skill in the art would have been motivated to implement *Postman*'s smart card system with data length indication in response to a polling packet in order to insure proper bandwidth and transmission of the data.

9. Claims 46-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Postman et al.* U.S. Pat. App. Pub. No.: 2004/0041029 A1 (hereinafter referred to as "*Postman*".)

10. **Referring to claim 46**, *Postman* teaches a smart card comprising: means configured to simulate the initiation of communications to a smart card terminal (see paragraphs 83,175-176) however *Postman* fails to explicitly set forth the limitation of a full duplex.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that a full duplex was a well-known type of a transmission mode in the computer art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to

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implement *Postman's* invention with a full duplex transmission mode to allow for a bi-directional, simultaneous two-way communications.

11. **Referring to claims 47-48**, *Postman* teaches a smart card comprising: means configured to simulate the initiation of communications to a smart card terminal (see paragraphs 83, 120-121 and 175-176) however fails to explicitly set forth the limitation of a standard packet protocol and a network packet protocol.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that a standard packet protocol and a network packet protocol were well known type of communication protocols in the computer art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement *Postman's* invention with a standard and a network protocol to enable IC card to communicate with the resources to exchange information with as little error as possible.

12. **Referring to claim 49**, *Postman* teaches a smart card comprising: means configured to simulate the initiation of communications to a smart card terminal (see paragraphs 83, 120-121 and 175-176) however *Postman* fails to set forth the limitation of an Internet to access network resources.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to use a domain name services to access domain address. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include domain name services to access domain address of a desired domain.

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13. **Referring to claim 50-51**, *Postman* teaches a smart card comprising: means configured to simulate the initiation of communications to a smart card terminal (see paragraphs 83, 120-121 and 175-176) however *Postman* fails to explicitly set forth the limitation of the network resources are accessed by remote message invocation and remote procedure call.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to use remote message invocation and remote procedure call in order to provide a client with means to communicate with other clients on a network. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include remote message invocation and remote procedure call to get this advantage.

14. **Referring to claims 52-53**, *Postman* teaches a smart card comprising: means configured to simulate the initiation of communications to a smart card terminal (see paragraphs 83, 175-176) however *Postman* fails to explicitly set forth the limitation of the network resources enable network games and remote diagnostics.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to use game and remote diagnostics devices as a network device to increase flexibility of the network and to perform various types of user tasks. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include games and remote diagnostics devices as part of the network resources to increase flexibility of the network and to perform variety of user tasks.

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Response to Arguments

15. Applicant's arguments with respect to claims 37, 41-42, 44-53 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

16. Claims 32-36 are allowed.

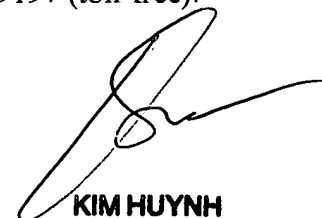
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272 4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP
08/25/2005


KIM HUYNH
PRIMARY EXAMINER

8/28/05